

1:22-cv-777

Sally J. Berens

U.S. Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGANJOHNNY TIPPINS 342855

FILED - GR

August 25, 2022 1:37 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: JJM SCANNED BY: jm / 8-25

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

Unknown DanKurt, Unknown Barclavich,  
Unknown Mista

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

## I. Previous Lawsuits

**CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding in forma pauperis and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.**

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

Western District of Michigan (6+) Eastern District of Michigan (2)2. Is the action still pending? Yes ☒ No ☒a. If your answer was no, state precisely how the action was resolved: Western District Court dismissed  
MOOC employees without prejudice (order); dismissed with prejudice Healthcare Employees (Judgment)3. Did you appeal the decision? Yes ☒ No ☐4. Is the appeal still pending? Yes ☒ No ☐a. If not pending, what was the decision on appeal? Only on appeal is the order dismissing MOOC  
Employees Sixth Circuit Case No. 21-2949, Judgment was not appealed timely5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☒ No ☐If so, explain: Healthcare Employees denied treatment for existing lump on testis and not  
not giving Thyroid Scan results. Prior lawsuit against Healthcare claimed no treatment for Thyroid.  
Not giving accurate results of thyroid lab results, treating other things instead of Graves!

## II. Place of Present Confinement

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

## III. Parties

## A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Johnny Tippins

Address 1500 Calverton Highway, Manistee, Michigan 49660

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Unknown Dankert

Position or Title Registered Nurse

Place of Employment Oaks Correctional Facility

Address 1500 Calverton Highway, Manistee, Michigan 49660

Official and/or personal capacity? Both

Name of Defendant #2 Unknown Barclavich

Position or Title Registered Nurse

Place of Employment Oaks Correctional Facility

Address 1500 Calverton Highway, Manistee, Michigan 49660

Official and/or personal capacity? Both

Name of Defendant #3 Unknown Muston

Position or Title Correctional Officer

Place of Employment Oaks Correctional Facility

Address 1500 Calverton Highway, Manistee, Michigan 49660

Official and/or personal capacity? Both

Name of Defendant #4 \_\_\_\_\_

Position or Title \_\_\_\_\_

Place of Employment \_\_\_\_\_

Address \_\_\_\_\_

Official and/or personal capacity? \_\_\_\_\_

Name of Defendant #5 \_\_\_\_\_

Position or Title \_\_\_\_\_

Place of Employment \_\_\_\_\_

Address \_\_\_\_\_

Official and/or personal capacity? \_\_\_\_\_



## IV. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On 8/20/22 I informed % Davis that I discovered a lump on or around my right testis and he contact RN Dankurt and I was told to fill out a medical Kite and I would be "Scheduled" to be seen because I said the pain was for a few days and it was not immediate emergency. I explained I discovered lump today and was not examine and talked to by Dankurt rude and unprofessional. Dankurt had advised % Davis to re-handcuff instead from the front but the back because he claimed he felt threaten. Dankurt had no intentions of examining the lump. Which I am in a lot of pain in my back and <sup>abdominal</sup> ~~ab~~ area as well. I was given the urine container and sent back to my cell. RN Dankurt comes up to my cell 217 20 minutes later with his medical bag, and I tried to hand him the urine container and asked will I be examine for the lump, he just walked away and did not say anything. I was told in the past by other Healthcare if you discover a lump in your testisical area to immediate seek medical attention. Around 2:15 same day, while % Miston was doing his rounds I requested to see a nurse because of lump on testis <sup>while</sup> ~~and~~ Dankurt refused me treatment. Miston claimed he ~~contacted~~ the nurse and was told they would come and get the urine container. Which Nurse Barclavich comes to the unit an hour later and gets the urine container. I asked Barclavich was does the urine sample has to do with the lump on my testes that was not examined. Barclavich explain that it was for an infection in my bladder. I explained that Dankurt did not examine the lump. Barclavich claimed that Dankurt told him that I refused. I explained that was untrue. And I ask Barclavich could he examine the lump and he said he would do so. But % Miston interrupted and told Barclavich not to examine the lump. Barclavich said well this (urine sample) would be best for you. Miston, Barclavich, and Dankurt conspired to violate my constitutional rights and denied me treatment for lump on testes. It is not known whether it may have spreaded to other lymph nodes in my abdomen and back area. I am in imminent danger because this lump could be cancerous and Healthcare and MDOC employees are conspiring to ~~injure~~ <sup>injure</sup> me because I had filed lawsuits in the past,



against them for discrimination, a failure to provide treatment, and other. 28 U.S.C. § 1915(g) statute does allow an exception for a prisoner who is "under imminent danger of serious physical injury. I am under the three strike rule and respectfully ask the Court to allow me to proceed with this lawsuit. Being that the Healthcare at Oaks Correctional Facility has "Black Coded" me from receiving any healthcare from this facility because I had filed lawsuits against employees here. I am currently, illegally incarcerated in a Start Now Program at Oaks Correctional Facility. Have been placed here for over 3 years. Because I had sued Alger Correctional Facility employees for failure to protect. This program is unconstitutional and is designed for the mental ill prisoners and I am not and was never determined in any way that I have a mental illness. I am in segregation for a class II misconduct where again, Prison Counselor K. Holden had me placed here in retaliation. I can not use the phone but once a week and I have served a 17 day L.O.P sanction for pressing my button for call out for electronic law library. This prison does not and has not met the needs that ~~in~~ which are required. The pain I am experiencing is from the lump and it seems like it is radiating to my thigh, abdomen, and back. If I so much as touch it, it hurts so bad. The size of the lump nearly half the size of aspirin tablet. I hope and pray that it is not cancer and if I do not receive any treatment if it is cancer it could quicker spread to other parts of my body. Healthcare is aware of the disease to spread in this way and they will not give me any treatment. I again respectfully seek this Court to allow this lawsuit to proceed and order this prison to treat or ~~transfer~~ transfer me to a different facility that would meet my needs.

I am in an unsafe environment and all employees are out for retaliation because of lawsuits (ECF employees that are in that circle) It was thoroughly explained to C/O Muston that I was extreme pain. When he stated, "I believe you and I will contact Healthcare." There was no immediate response. These acts are unprofessional and discriminatory. I am labeled a racist and other because I have filed grievances against employees at this facility. Just as RN Dankurt called me shady and always talking to C/O Vogue about grievances and lawsuits I filed against him. I need medical attention regarding lump on testis immediately.



Although this is not in the same transaction but it is stated in support of my Eighth Amendment claim. On July 27, 2022, I went off site to Munson Hospital after Medical Provider Amanda Mattison ordered that I receive a thyroid scan. That in which was the focus of the case of Tippins v Parish, et.al, 19-cv-781 where I claimed of not receiving any treatment for my thyroid gland; ~~made~~ claims against then medical provider Jennifer Dalton whose no longer an employee at Oaks Correctional Facility.

After a week I ask RN Dankurt how long does it take for thyroid scan labs to be received by the facility, he said about a week. I submitted 3 Kites at different times requesting the results and to see the medical provider. Nurses responded and stated the results were never received. I have filed a grievance and the 4th Kite was allegedly given to the nursing supervisor to determine the whereabouts of the thyroid scan, without receiving the thyroid scan ~~Healthcare~~ Healthcare will not give me any treatment.

I have not received any treatment for symptoms associated with my Graves' diagnosis nor the current lump on my testis. It is either ECF employees are banding against me and denying me any access to healthcare or any thing at this facility or the MDOC employees are intimidating the healthcare workers so I would not receive any treatment. Both situations, if not treated causes a life threatening emergency. These violations are occurring in a state building where Defendants are using their state jobs to ~~advocate~~ violate my constitutional rights.

The actions by RN Dankurt are the same as Jennifer Dalton, demonstrates retaliation for prior lawsuit.

## V. Relief

State briefly and precisely what you want the court to do for you.

I ask that the Court issue an order granting temporary restraining order and have me immediately transferred from Orits Correctional Facility to a facility that would immediately attend to my medical needs regarding the lump on testis. Order RN Dan Kurt to <sup>pay</sup> ~~pay~~ compensative <sup>damages</sup> ~~damages~~ in the amount of ~~\$250,000~~ <sup>\$500,000</sup> in violating my constitutional right and punitive damages in the amount of \$500,000. Barclavich to pay compensative damages in amount of \$50,000 and punitive damages \$100,000. Miston to pay compensative damages in the the amount of \$300,000 and \$500,000 in punitive damages.

Date

8/21/22

Signature of Plaintiff


**NOTICE TO PLAINTIFF(S)**

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.



Mr. Johnny Lippins #342835  
Oaks Correctional Facility  
1500 Caberdae Highway  
Manistee, Michigan 49660

Office of  
United States  
399 Federal  
110 Michigan  
Grand Rapids





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